

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Rules and Regulations Implementing)	
The Telephone Consumer Protection)	CG Docket No. 02-278
Act of 1991)	
)	
Petition For Declaratory Ruling Of)	
The Fax Ban Coalition)	

COMMENTS OF RIO RADIO SUPPLY, INC.

Rio Radio Supply, Inc. ("Rio") hereby files its comments in response to the Petition for Declaratory Ruling filed by the Fax Ban Coalition in the above-referenced proceeding.¹ Rio is the leading dealer of communications and audio-visual equipment in South Texas. Its interest in this proceeding lies in the fact that it relies heavily on fax technology in the conduct of its business, particularly for accepting and placing orders for equipment. To a company utilizing fax technologies in this manner, junk faxes are more than just a nuisance; they sap company resources and make operations more expensive. Rio does not wish to see any regulatory action that will reduce the effectiveness of law or regulation that keeps this burden under control. For this reason, Rio opposes the Petition for Declaratory Ruling and urges the Commission to recognize the right of states to establish provisions governing the transmission of junk faxes that provide greater levels of control than does the federal Telephone Consumer Protection Act of 1991 ("TCPA").


¹ The Fax Ban Coalition, *Petition for Declaratory Ruling*, CG Docket 02-278, filed November 7, 2005 ("Petition").

State laws governing the sending of junk faxes such as the ones established in Texas, California, and elsewhere demonstrate quite clearly that the Federal laws in this area have serious shortcomings and that the needs of the citizens of these states are not being met by the TCPA and other federal statutes. Businesses that choose to operate in particular states are required to adhere to any number of business regulations governing their conduct on a local and state level, and there is no reason why they should not have to adhere to the laws governing this specific area as well. The fact that varying state laws are purported by Petitioner to be a "burden" on the senders of fax traffic is irrelevant; all regulations are to some extent a burden on business, and the fact that the purveyors of junk faxes are required to understand and comply with the laws in different states should be merely the cost of engaging in the business that they have chosen, not turned into, literally, a federal case.

For these reasons, Rio hereby opposes the Petition of the Fax Ban Coalition and urges the Commission to issue a declaratory ruling that state laws in this area are not preempted.

Respectfully submitted,

RIO RADIO SUPPLY, INC.

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